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ORIGINAL  
 FILED  
 MAY 25 2007  
 RICHARD W. WIEKING  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 OAKLAND

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

SERVICE EMPLOYEES INTERNATIONAL ) No.  
 UNION, LOCAL 790 )

Plaintiff,

v.

JOSEPH P. NORELLI, Individually, and in his  
 capacity as Regional Director, NATIONAL  
 LABOR RELATIONS BOARD, REGION 20;  
 ROBERT J. BATTISTA, Individually and in  
 his Capacity as Chairman and Member of the  
 NATIONAL LABOR RELATIONS BOARD;  
 PETER N. KIRSANOW, Individually, and in  
 his Capacity as a Member, NATIONAL  
 LABOR RELATIONS BOARD; DENNIS P.  
 WALSH, Individually, and in his Capacity as a  
 Member, NATIONAL LABOR RELATIONS  
 BOARD; WILMA B. LIEBMAN, Individually,  
 and in her Capacity as a Member of the  
 NATIONAL LABOR RELATIONS BOARD;  
 PETER CARY CHAUMBER, Individually, and  
 in his Capacity as a Member, NATIONAL  
 LABOR RELATIONS BOARD,

Defendants.

C07-02766

JL

**DECLARATION OF DAVID A.  
 ROSENFELD IN SUPPORT OF  
 REQUEST FOR ORDER TO SHOW  
 CAUSE WHY PRELIMINARY  
 INJUNCTION SHOULD NOT ISSUE**

I, David A. Rosenfeld, declare the following based on personal knowledge:

1. I am a shareholder in the law firm of Weinberg, Roger & Rosenfeld, attorneys of record for

1 Plaintiff Service Employees International Union Local 790 ("Local 790") in the above-captioned  
2 case.

3 2. At issue in the above-captioned case is an Order of the National Labor Relations Board  
4 ("NLRB") dated March 20, 2007, in NLRB Case No. 20-UD-445, reported as *Covenant Aviation*  
5 *Security, LCC and Stephen J. Burke, Petitioner and SEIU Local 790*, 349 NLRB No. 67 ("NLRB  
6 Decision and Order"), attached as Exhibit 2 to the Verified Complaint for Declaratory and  
7 Injunctive Relief, filed concurrently herewith.

8 3. The NLRB Decision and Order orders an election to take place among security employees  
9 in a bargaining unit represented by Local 790 and employed by Covenant Aviation Security, LLC  
10 ("Covenant") under a contract with the federal Transportation Security Administration ("TSA"),  
11 based on a petition to de-authorize the union security agreement contained in the Collective  
12 Bargaining Agreement between Local 790 and Covenant.

13 4. In or about May 2007, NLRB Region 20 Regional Director Joseph P. Norelli issued a  
14 written notice, announcing that a secret-ballot de-authorization election would commence on June  
15 4, 2007, with the mailing of ballots to members of the bargaining unit represented by Local 790.

16 5. The election was subsequently suspended briefly due to the fact that Covenant  
17 representatives were unable to produce an "Excelsior" list of bargaining unit members to the  
18 NLRB because TSA opposed production of that list by Covenant on national security grounds.

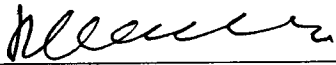
19 6. On or about May 24, 2007, I spoke with Dawn Goldstein, an attorney with the special  
20 litigation unit of the office of the NLRB General Counsel. Ms. Goldstein informed me that the  
21 NLRB does not, at present, know exactly when the de-authorization election can be expected to  
22 proceed due to the Excelsior list issue but that they expect the Excelsior list issue to be resolved  
23 quickly and the election to proceed forthwith.

24 7. Ms. Goldstein further informed me that the NLRB would agree to a hearing on an Order To  
25 Show Cause Why Preliminary Injunction Should Not Issue either the week of May 29, 2007, or as  
26 soon thereafter as the court can hear the matter, providing adequate time for service of Plaintiff's  
27 moving papers and for service and filing of Defendants response and Plaintiff's reply.

28

1 8. Counsel for Plaintiff is providing copies of this Declaration and all papers filed herewith to  
2 counsel for Defendants by electronic mail at the same time as Plaintiff's counsel is filing these  
3 papers with the Court.

4 I declare the foregoing based on personal knowledge under penalty of perjury under the laws of  
5 the United States of America. Executed this 25<sup>th</sup> day of May, 2007, at Alameda, California.

6  
7 By: 

8 DAVID A. ROSENFELD  
9 Attorneys for Plaintiff  
10 Service Employees International Union, Local 790

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